

**REMARKS**

Claims 1-5, 9 and 10 are pending in this application. Claims 5, 9 and 10 have been amended by this amendment.

The Office Action rejects claims 1-5, 9 and 10 under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kobayashi. This rejection is respectfully traversed.

The independent claims of the application recite detecting pre-recorded information including data for determining different kinds of recording mark arrangements of control data on said recording medium. Thus, in the present invention, it is possible to record and reproduce different kinds of recording mark arrangements such as DVD-R type and DVD-RAM type on disks having the same physical format (see page 4, line 25 to page 5, line 24).

In the embodiments of the present invention, the recording mark arrangement of the DVD-RAM is show in Fig. 2E and the recording mark arrangement of the DVD-R is shown in fig. 2C.

In the present invention, the recording medium has a recording track wobbling or deforming with a predetermined period and pre-recorded information including data for determining different kinds of recording mark arrangements (DVD-R and DVD-RAM) (refer to lines 5-9 on page 11, lines 2-6 on page 12, and lines 6-10 on page 15).

A recording clock used for recording data is generated on the basis of a signal obtained by detecting the wobble or deformation of the recording track. A period of the recording clock is determined from the signal obtained by detecting the wobble or deformation in accordance with a conversion multiplying factor between a period of the signal obtained by detecting the wobble or deformation and a period of the recording clock. The conversion multiplying factor is derived from the pre-recorded information.

Therefore, it is to be noted that, in the present invention, the conversion multiplying factor can be selectively set to enable to record and reproduce information with the different kinds of recording mark arrangements.

The cited reference Kobayashi (US 6,097,695) discloses a PLL circuit 35 having a frequency dividing circuit 35B of Fig. 6 (refer to lines 42-59 in column 10). According to the reference, the PLL circuit 35 applies a binary signal outputted from a wobbling period detecting circuit 40 to a phase comparison circuit PC 35A to phase-compare it with a clock CK outputted from the frequency dividing circuit 35B. The frequency dividing circuit outputs a clock whose the frequency is two times higher than that of the binary signal S1 (Figs. 9A and 9B).

In the reference Kobayashi, a system control circuit 34 sequentially reduces, step-by-step, the rotating velocity of the optical disc toward the zones in the outer circumference from the zones in the inner circumference, and sets the identical recording density to the inner and outer circumference portions (refer to lines 38-45 in column 11). In order to achieve the identical recording density to the inner and outer portions, in the PLL circuit 35, the frequency dividing circuit 35B is set so that a frequency dividing ratio is sequentially increased step by step depending on the system control circuit 34 as the laser beam radiating position is displaced to the outer circumference of the optical disc 12 (refer to lines 60-64 in column 10).

Therefore, the reference Kobayashi does not disclose or suggest to enable to record or reproduce a plurality of (or different) kinds of recording mark arrangements that is the feature of the present invention. Accordingly, it is submitted that Kobayashi does not anticipate any claims in the application. Withdrawal of the rejection is requested.

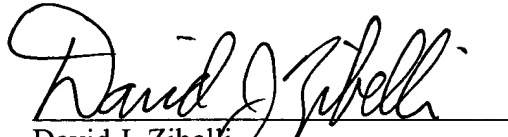
In view of the above, Applicant's submit that the above amendments should be entered and all claims in this application allowed.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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